

National Intellectual Property Strategy Development

Tamara Nanayakkara

Head, Innovation Policy Section,

Department for Transition and Developed
Countries

WHAT is Intellectual Property?

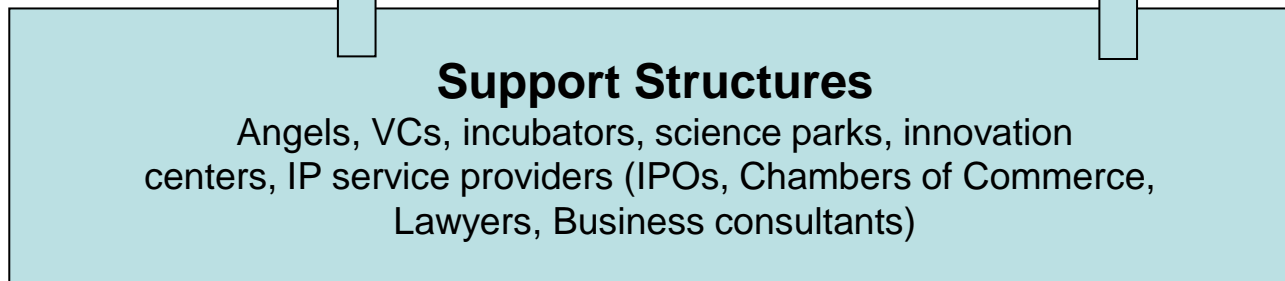
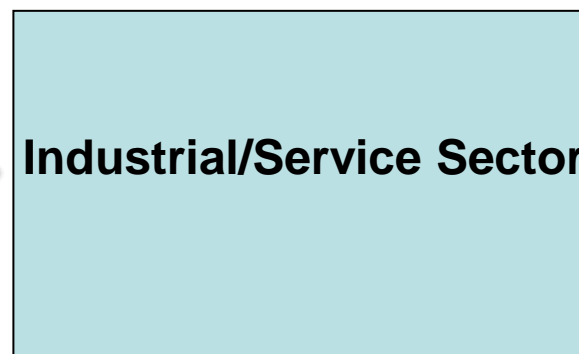
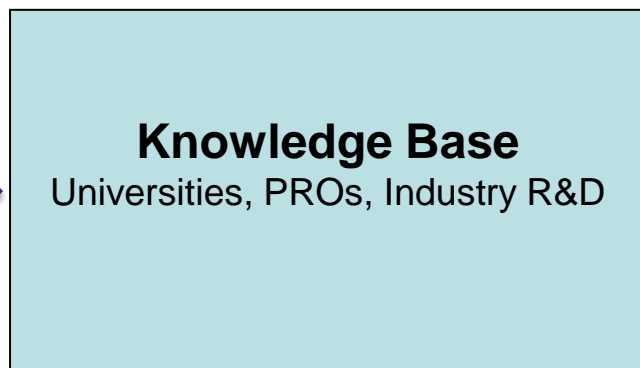
- Intellectual property refers to creations of the mind: inventions, trade secrets, literary and artistic works, designs and symbols, names and images used in commerce
- These are protected by laws pertaining to patents, trademarks, GIs, copyright, design, trade secrets
- A policy instrument to promote inventive, innovative and creativity activity and the dissemination and application of its results and to encourage fair trading so as to contribute to economic and social development

Intellectual property assets

Innovative products/ process	Patents	Registration, renewal
Cultural, artistic and literary works	Copyright	No registration
Creative designs	Design Rights	Registration for registered designs. Renewal
Distinctive signs	Trademark	Registration, renewal [rights through use]
Confidential business information	Trade secret	NDA and other procedures

WHY is Intellectual Property Important?

Intellectual Property laws



IP Stimulates

- Innovation is often risky, time consuming and costly and once produced there is no means for the innovator to appropriate its benefits for it is by nature a public good the use of which by third parties cannot be excluded
- Thus, there is little incentive for innovators to engage in such activity and as such an optimum supply of innovation for the benefit of society is not produced

- The IP system allows the inventors, innovators and creators amongst us proprietary rights over their output. They have under certain conditions the right to exclude third parties from using and exploiting these outputs without their authorization.
- The ability to own and control these outputs vis-à-vis third party use and exploitation is a powerful incentive for innovation.
- An IP system is therefore an essential component of the innovation policy options available to decision makers

- The patent system in particular demands that the patent holder disclose the nature of the invention and how it works. This facilitates knowledge diffusion and stimulates further creativity

IP Enables

- By providing for inventive, innovative and creative output to be owned, the IP system creates the platform from which transactions with respect to these intangibles can take place.
- Therefore IP can be sold, licensed, donated or dealt with in a variety of different ways allowing for revenue generation as well as further investment and development.
- Public goods on the other hand being freely available to all no single person will take the risks and the burden of investing in its further development and/or its commercialization.

IP Adds Value

- A product or service protected by one or more IP rights can compete more effectively in the market place; patents or trade secrets may result in a superior product (because it better meets consumer needs due to improved features, be produced faster/cheaper) it may have a more attractive design or its reputations symbolized by its trademark may attract loyal customers.
- A product or service protected by IP is therefore better able to differentiate itself from its competition and delivers more value to the consumer

WHAT is an IP Strategy - Definition

- A set of policy measures designed to facilitate in a comprehensive way the creation, protection and exploitation of intellectual property assets at the national level to support national economic, social and cultural objectives
 - Allows for a more structured and planned approach both for the Government in determining how the IP system should be best deployed and for WIPO in partnering, if necessary, in that process.

WHERE do you want to go?

- Improve economic performance
 - Promote exports
 - Attract investment
 - Promote local industry
 - Exploit cultural or other products unique to the country
 - Strengthen domestic creativity
 - Adapt foreign technology to local needs
- Strengthen enforcement
- Conform to multilateral or bilateral obligations
- Improve national IP coordination
- Protect TK and TCE

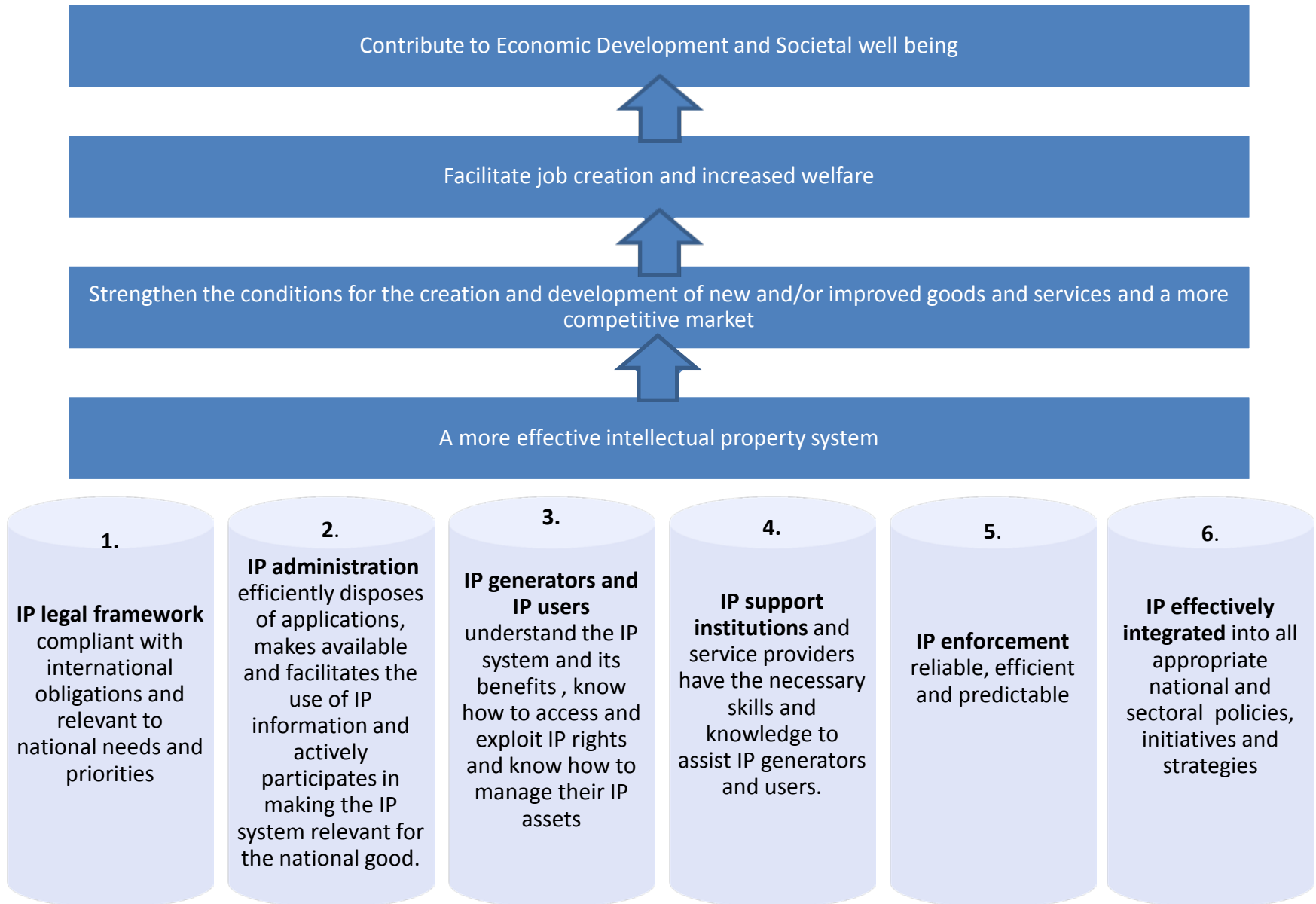
WHERE are you now? Current status

- What is the economic context and developmental goals
- IP Legal framework
- IP Administrative framework
- IP Enforcement
- Who are the actors
 - Government
 - SME
 - Universities and PROs
 - TK and TCE holders
 - Inventors/creators
 - Intermediaries

WHAT are the challenges?

- No local innovation, more imitation
- No links between research and industry
- IP office not engaged, not addressing needs
- IP laws not adapted to the needs
- Lack of awareness of relevance of IP
- Lack of awareness of how to use and benefit from the system
- Lack of capacity to manage IP in industry and research
- IP system seen to be too complex
- Real benefits not immediate
- Cost of using the IP system
- IP support services weak

HOW do you get there?



HOW do you develop an IP Strategy - Methodology

- Desk review - A review of the political, economic and cultural landscape of the country along with that of the IP system of the country, which may evidenced by the various strategies, laws and studies publicly available
- Interviews – Face to face interviews with representative stakeholders through whom a more in-depth understanding of the information gathered in the desk review stage may be gained
- Report - on the basis of the above develop strategy document outline and implementation plan.

Output 1 – Strategy document

- Economic background and developmental objectives
- IP context (legal and administrative framework, use of IP, enforcement, identify stakeholders etc)
- Identification of issues and challenges as understood from discussions with stakeholders
- Outcomes to meet previously identified objectives
 - Improved legal and administrative framework
 - More informed, better skilled users and IP generators
 - Strengthened support institutions
 - More effective enforcement
 - Better integration with other policies
- Develop Implementation Plan (see output 2), establish coordination mechanism, identify a champion, identify risks, identify partners, determine, who is responsible, performance indicators, time lines etc

Output 2 – Implementation Plan

1. OUTCOME

IP LEGAL FRAMEWORK IS COMPLIANT WITH INTERNATIONAL OBLIGATIONS AND RELEVANT TO NATIONAL NEEDS AND PRIORITIES

<i>Outputs - Intended results</i>	<i>Activities</i>	<i>Resources and risks</i>	<i>Performance indicator</i>
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2. OUTCOME

IP ADMINISTRATION EFFICIENTLY DISPOSES OF APPLICATIONS FOR RIGHTS, MAKES AVAILABLE AND FACILITATES THE USE OF IP INFORMATION BY USERS AND ACTIVELY PARTICIPATES IN MAKING THE IP SYSTEM RELEVANT FOR THE NATIONAL GOOD

<i>Outputs - Intended results</i>	<i>Activities</i>	<i>Resources and risks</i>	<i>Performance indicator</i>
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3. OUTCOME

IP GENERATORS AND IP USERS (UNIVERSITIES, PROS, RELEVANT PUBLIC AND PRIVATE INSTITUTIONS, INDUSTRIES AND SMES, INDIVIDUAL INVENTORS AND CREATORS) UNDERSTAND THE IP SYSTEM AND ITS BENEFITS, KNOW HOW TO ACCESS AND EXPLOIT IP RIGHTS AND KNOW HOW TO MANAGE THEIR IP ASSETS.

<i>Outputs - Intended results</i>	<i>Activities</i>	<i>Resources and risks</i>	<i>Performance indicator</i>
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4. OUTCOME

IP SUPPORT INSTITUTIONS AND SERVICE PROVIDERS HAVE THE NECESSARY SKILLS AND KNOWLEDGE TO ASSIST IP GENERATORS AND USERS

<i>Outputs - Intended results</i>	<i>Activities</i>	<i>Resources and risks</i>	<i>Performance indicator</i>
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5. OUTCOME

IP ENFORCEMENT RELIABLE, EFFICIENT AND PREDICTABLE

<i>Outputs - Intended results</i>	<i>Activities</i>	<i>Resources and risks</i>	<i>Performance indicator</i>
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6. OUTCOME

IP EFFECTIVELY INTEGRATED INTO ALL APPROPRIATE NATIONAL AND SECTORAL POLICIES, INITIATIVES AND STRATEGIES

<i>Outputs - Intended results</i>	<i>Activities</i>	<i>Resources and risks</i>	<i>Performance indicator</i>
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HOW can WIPO help?

- IP Strategy development support
 - The development and implementation of a national IP strategy is essentially driven by the country and the decision to embark on it has to come from within.
 - However, WIPO can support with an initial assessment, identifying and discussing with stakeholders and drawing up a framework
 - The country must take it forward with the establishment of a task force of stakeholders and a project implementation team.

■ IP Strategy implementation support

Legal framework	Legislative assistance, TK advice and support
Administrative framework	Modernization of IP offices
Generators and users	IP education IP skills training IP asset management (SMEs, Universities, research institutes), Branding, adding value to products Access to knowledge (TISC), access to databases, Using PCT, Madrid and Hague.
Support institutions	Capacity building, awareness
Enforcement	Building respect for IP
Integration into other policies	Within IP strategy development support

WHAT are the risks?

- Lack of commitment/lack of expertise
- Over-ambitious objectives and timescales
- Lack of resources/competition for funding
- No project team to manage the project/no time to devote
- Lack of focus
- Unrealistic perception of abilities and intentions
- Resistance to change
- Lack of active participation by stakeholders/conflict between interests
- Lack of compatibility with international obligations
- Not in harmony with other strategies